

**IN THE CLAIMS:**

Please amend the claims as follows:

1. (Currently Amended) An information recording apparatus for recording information on a recording medium by forming ~~supplying said recording medium with energy to form~~ marks different in a physical property from non-recorded portions with energy injected into the recording medium, comprising:

an energy generation means ~~for generating~~ which generates recording energy;

a position control means which controls an injecting position of the recording energy output from the energy generation means for the recording medium; ~~for controlling a position of supply to said recording medium with an output of said energy generation means~~;

a drive means ~~for driving said~~ which drives the energy generation means;

a switching means which switches ~~for switching~~ information based on user user's data and or test information to be supplied ~~supply these two kinds of information selectively to said~~ the drive means;

a reading means which reads marks recorded ~~for reading said marks recorded on said~~ the recording medium;

~~a vibration means for vibrating said reading means in a direction perpendicular to a main scanning direction on said recording medium~~;

an evaluation means ~~for evaluating~~ which evaluates a reproduced signal obtained by said from the reading means; and

a recording condition control means ~~for controlling~~ which controls a recording condition ~~on the basis of an evaluation result obtained by said~~ from the evaluation means.

wherein in a case of reproducing the marks having the test information, a control operation of the position control means is unchanged in a first reproduction in comparison with a time when the test information is recorded and changed in a second reproduction in comparison with a time when the test information is recorded, and

wherein the recording condition is controlled in accordance with values of a signal

amplitude in the first reproduction and a signal amplitude in the second reproduction.

2. (Canceled)
3. (Canceled)
4. (Canceled)
5. (New) The apparatus according to claim 1, wherein the changed content of the control operation for the position control means is either a stop or a start of a tracking offset amount, of a tracking polarity, or of a tracking operation, carried out by the position control means.
6. (New) The apparatus according to claim 1, wherein the changed content of the control operation for the position control means is a target track indicated by the position control means.
7. (New) The apparatus according to claim 1, wherein the changed content of the control operation for the position control means is a target track indicated by the position control means.
8. (New) The apparatus according to claim 1, further comprising vibration means which vibrates the reading means in a direction perpendicular to a main scanning direction on the recording medium.
9. (New) The apparatus according to claim 1, wherein in a case where the test information is supplied to the drive means and recorded on the recording medium, the test information inconsistent with a conversion rule of a conversion means is used.

10. (New) The apparatus according to claim 1, wherein in a case where the test information is supplied to the drive means and recorded on the recording medium, pieces of the test information, each of which is different, are recorded on a plurality of tracks.

11. (New) The apparatus according to claim 6, wherein test information containing a longer run-length than a run-length rule of the conversion means is used as the test information.

12. (New) An information recording method for recording information on a recording medium by forming marks different in a physical property from nonrecorded portions with energy injected into the recording medium, comprising the steps of:

controlling energy generation means with irradiation on the recording medium to be position on a predetermined area on the recording medium;

irradiating a recording energy on the recording medium to record test information;

reproducing, as a first reproduction, the test information without a change of the recording and the position control;

reproducing, as a second reproduction, the test information with a change of the recording and the position control; and

controlling a recording condition in accordance with values of a signal amplitude in the first reproduction step and a signal amplitude in the second reproduction step.

13. (New) The method according to claim 12, in the first and second reproduction steps, either a stop or a start of a tracking-offset amount, of a tracking polarity, or of a tracking operation is changed.